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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/605,623	10/14/2003	Julian B. Melendrez	ZIGP102US	2622
24041 7	2590 08/20/2004		EXAM	INER
SIMPSON & SIMPSON, PLLC			MCMAHON, MARGUERITE J	
5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			ART UNIT	PAPER NUMBER
***************************************			3747	
	:		DATE MAILED: 08/20/2004	4

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.15(e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply is specified above is test than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extendate partie for traply will be set or extendate partie for the will expire SIX (6) MONTHS from the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on			1 / 1
Examiner Marguerile J. Mrt.Mahon 3747		Application No.	Applicant(s)
Marguerile J. McMahon 3747		10/605,623	MELENDREZ, JULIAN B.
The MALLING DATE of this communication appears on the cover shoet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Estencions of time may be available under the provisions of 3 CFR 1.136(a). In ore well, however, may a reply be timely filed where SK (b) MONTH's from the mailing date of this communication. Estencions of time may be available under the provisions of 3 CFR 1.136(b). In ore well, however, may a reply be timely filed where SK (b) MONTH's from the mailing date of this communication. Estencions of time may be available under the mailing date of this communication, or the provision of the color extends prised for the communication of the provision of the color extends prised for the color extends of the color ex	Office Action Summary	Examiner	Art Unit
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the precisions of 3 CPR 1.156(e). In so event, however, may a risply be timely filed Extension of time may be available under the precisions of 3 CPR 1.156(e). In so event, however, may a risply be timely filed If the paried for reply specified above is less than thiny (30) days, a reply which the statutory principal timely. If the paried for reply specified above is less than thiny (30) days, a reply which the statutory principal reply which the statutory principal reply than the time than the paried for reply specified above is less than thiny (30) days, a reply which the statutory principal reply which the statutory reply which the scanners of the principal reply which the statutory reply which the statutory reply which the scanners repl	The MAILING DATE of this communication		
THE MAILING DATE OF THIS COMMUNICATION. Extensions time may be swilled builder the provisions of 3° CPR 1.38(a). In no event, however, may a reply be timely filled offer SX (3) MONTHS from the mailing date of this communication. **Fill period from they specified days to less than thing (30) days, a reply within the scholory minimum of lady (50) days, will be considered finally. **Fill period from they specified days to be seen than thing (30) days, a reply within the scholory minimum of lady (50) days, will be considered finally. **Fillulation to reply within the sold or colorated presented for many wall, by slotting, causes the application to become ABANDONED (38 U.S.C. § 135). **Any reply received by the Office of the nutree moniting date of this communication, even if timely filled, may reduce any examination and provided to the communication of the many and the manifer date of the communication, even if timely filled, may reduce any examination and provided to the communication of the communication is non-final. **This action is FINAL.** **This action is FINAL.** **Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213. **Disposition of Claims** **Application Papers** **Pi Claim(s) **	Period for Reply		
1) □ Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATIO - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a - If NO period for reply is specified above, the maximum statutory per - Failure to reply within the set or extended period for reply will, by state any reply received by the Office later than three months after the maximum.	N. 1.136(a). In no event, however, may a reply reply within the statutory minimum of thirty (3 iod will apply and will expire SIX (6) MONTHS atute, cause the application to become ABANI	y be timely filed 60) days will be considered timely. S from the mailing date of this communication. DONED (35 U.S.C. § 133).
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Application/Control Number: 10/605,623

Art Unit: 3747

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the focusing bar claimed in claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

Application/Control Number: 10/605,623

Art Unit: 3747

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 12, 14, and 15 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ettehadieh (5,063,368).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10, 11, 13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ettehadieh (5,063,368). Ettehadieh shows everything except providing a second magnet assembly including a second metal plate identical to the magnet assembly shown and locating the north pole of the magnet adjacent to the fuel line.

According to MPEP 2144.04 VI (B), it has been held that mere duplication of parts has no patentable significance unless a new and unexpected result is produced. It would have been obvious to one of ordinary skill at the time the invention was made to provide a second magnet assembly, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Application/Control Number: 10/605,623

Art Unit: 3747

With respect to claim 17, it would have been prima facie obvious to substitute the north pole for the south pole as the pole adjacent the fuel line, since they are art recognized alternatives known for the same purpose, as evidenced by numerous claims in the instant application citing the use of the south pole located adjacent the fuel line.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over.

Ettehadieh (5,063,368) in view of Melendrez (5,271,369). Ettehadieh shows everything except employing a focusing bar. Meldendrez teaches that it is old in the art to employ a focusing bar 150 (see Figure 7). It would have been obvious to one or ordinary skill in the art to modify Ettehadieh by employing a focusing bar, in order to concentrate the magnetic flux into the fuel line.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the alternating magnetic pole orientations of Akyildiz (6,041,763), the focusing bar of Cronk (5,816,227, and the metal plates of Jeong (5,329,911).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marguerite J. McMahon whose telephone number is 703-308-1956. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yuen Henry can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3747

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARGUERITE MCMAHON
PRIMARY EXAMINER